IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5979 OF 1999

Smt. Indumati Vijay Desai, .. Petitioner

Vs

Ganpat Maruti Savant & ors. .. Respondents

Mr P.V.Samant, for the petitioner. (absent)

CORAM : D.B.BHOSALE,J.

DATE : 31st August, 2005.

PC: 1. This petition is directed against the orders passed in the proceedings arising from Exhibit-5 -application filed by the respondents-plaintiffs in Regular Civil Suit No.121 of 1993. The respondents' Exhibit-5 application was rejected by the trial Court by its judgment and order dated 13.9.1993 against which he preferred Misc.Civil Appeal No.214 of 1993. The said appeal came to be allowed by judgment and order dated 30.9.1999 rendered by the learned Addl.District Judge, Satara, by which the petitioner-defendant has been restrained from causing obstruction to the respondents-plaintiffs' possession till decision of the suit.

2. While admitting the writ petition, this court

stayed the order dated 30.9.1999 passed in Misc. Civil Appeal No.214 of 1993. The stay order granted by this Court on 27.10.1999 operates till this date. While issuing rule and granting interim stay, this Court had also directed the trial Court to proceed and dispose of Regular Civil Suit No.121 of 1993 early. Today when the matter was called out, none appeared for the parties. It appears that the suit must have been disposed of as directed by this Court by order dated 27.10.1999. It is clear from the aforesaid facts that the order dated 30.9.1999 passed in Misc.Civil Appeal No.214 of 1993 has remained stayed all these years and as a result of which there was no injunction running against the petitioner-defendant. Keeping that in view, in my opinion, there is no point in keeping this petition pending any more and the ends of justice would be met by the following order.

(a) The interim stay granted by this Court on 27.10.1999 shall remain operative till disposal of Regular Civil Suit No.121 of 1993, if not disposed of already.

(b) The trial Court shall decide Regular Civil Suit No.121 of 1993, if not disposed of already, as expeditiously as possible and preferably within a period of one year from the date of receipt of this order.

(c) While passing this order, I shall not be understood to have examined the merits of the case and the trial Court shall decide the suit on merits in accordance with law and uninfluenced by the orders passed in the proceedings arising from Exhibit-5 application as also this order.

(d) Rule is, accordingly, disposed of.

(**D.B.BHOSALE, J.**)